

The landscape planning and the protection of natural components of environment in the Czech law

Abstract

This rigorous thesis deals with the legal regulation of the landscape planning and the protection of natural components of environment in the Czech legal system. The rigorous thesis further extends the author's diploma thesis called "The creation of landscape in the law". These terms – creation of landscape and landscape planning – are closely linked to each other. The author decided to deepen the topic of the landscape planning as this topic was unable to cover completely in the scope of the diploma thesis. This rigorous thesis supplements the diploma thesis, extends the topic further and describes it in more detail. Yet, the topic as a whole is still not completely covered by this rigorous thesis.

The aim of this rigorous thesis is to analyse the legal regulation of the landscape planning and the protection of natural components of environment in the Czech legal system. The analysis is made specifically to ascertain if the legal regulation of the landscape planning and the protection of natural components of environment is included in the Czech legal system and if yes, then in which ways it is.

The rigorous thesis is divided into five parts. The first part of the thesis contains the analysis of the legal definition of landscape. The thesis in its first part focuses also on another various definitions of landscape in other scientific disciplines. In this part, the typology and categorization of landscape is also included.

The second part of the thesis deals with the international legal regulation of landscape. This thesis is devoted to the European regional conventions but primarily on the European Landscape Convention which is supposed to become a global convention in near future.

The evolution of the relationship between men and landscape in the territory of the Czech Republic is described in the third part of the thesis, because the historical events (particularly of the second half of the 20th century) left an considerable trace in the face of the Czech landscape.

At the beginning of the fourth part of the rigorous thesis, there is an analysis of the private legal regulation of the landscape planning and the protection of natural components of environment in the Czech law with an emphasis on the ownership of the lands with the rights of use to the soil. This part of the rigorous thesis also includes a chapter on the balance of the soil in the Czech Republic and structural changes of entities that cultivated the agricultural soil in the Czech Republic from 2000 to 2016, based on the data of the Czech statistical office. However, the main part of the rigorous thesis consists of an analysis of the public law legal regulation of the landscape planning and the protection of natural components of environment. This rigorous thesis follows up on the author's diploma thesis called "The creation of landscape in the law" and this part deals with the analysis of the legal instruments of the land modifications, the instruments of care of the specially protected areas and of the territorial system of ecological stability of the landscape. Regarding the special instruments, which supplement the general instruments of landscape and the landscape planning, the instruments of the landscape character and the natural park are analysed. Also, the instruments of protection of agricultural land resources and of protection of the land fulfilling the function of a forest are included. With regard to its scope, this thesis does not deal with other legal instruments.

The fifth part of this rigorous thesis deals with the legal regulation of the landscape planning and the protection of natural components of environment in the legal system of the Slovak Republic and primarily focuses on the differences between the legal regulations in the Czech and Slovak Republic respectively and tries to draw their comparison.

In the closing part of the thesis, the author of this thesis evaluates the current state of the legal regulation of landscape planning and the protection of natural components of environment in the Czech legal system *de lege lata*. In the conclusion, the author suggests possible ways to make improvements of the legal regulation of the landscape planning and the protection of natural components of environment in the legal system of the Czech Republic *de lege ferenda*.